



## Bioengineered Food Labeling Customer FAQ

This document is intended to help co-op staff answer common customer questions about USDA's bioengineered food labeling rules, per the [National Bioengineered Food Disclosure Standard](#). The following information is accurate and updated as of July, 2019.

### Frequently Asked Questions

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#### **What is the National Bioengineered Food Disclosure Standard?**

In 2016, Congress passed the National Bioengineered Food Disclosure Standard, a law that requires food manufacturers, importers and retailers to disclose information about whether a product is genetically engineered or contains GMO ingredients. The bill gave USDA two years to develop regulations and an implementation plan, both of which they released in December of 2018. Unfortunately, USDA's regulations fell short of providing full GMO transparency allowed by the law, and the resulting Standard does not fully answer consumers' call for transparency.

#### **What happened to the term GMO?**

Despite widespread familiarity with the terms *GMO* and *genetically engineered*, the new labels will exclusively use the term *bioengineered* to refer to food that contains genetically modified DNA. In fact, companies are prohibited from using the terms *GMO*, *genetically modified* and *genetically engineered* to label products that contain genetically modified material. Although food co-ops advocated for labels that use the familiar GMO and genetic engineering terms, USDA now requires that labels use BE and bioengineering.

#### **When will the law go into effect?**

Implementation of the law has already begun, but the final deadline for companies to be in compliance with labeling requirements is January 1, 2022. It's likely that most products will be labeled well before that time and you will begin to see some products labeled soon.

#### **Who must comply with the requirements?**

Most food manufacturers, importers and grocery retailers (including food co-ops) that label and sell food. Food manufacturers with annual sales of less than \$2.5 million are *not required* to label their products.

#### **What foods are required to be labeled?**

Most, but not all, foods containing detectable amounts of genetically modified materials must be labeled. For example, cereal made with BE corn must be labeled. However, there are exceptions to the rule, as follows.



### Labeling exemptions for highly refined oils and sugars

Highly refined oils and sugars, like those extracted from corn, soybeans and sugar beets, lose so much of their unique DNA during processing that it is no longer detectable by currently available tests. Foods made with these common ingredients, even though they may have been derived from bioengineered crops, are not required to be labeled unless there is other detectable bioengineered DNA in the product. Companies may *voluntarily* disclose these processed ingredients using the options listed below, with the language “derived from bioengineering” (see example at right).



### Labeling exemptions for dairy products, eggs and meats

Products like milk, cheese, ice cream, eggs and meats that come from animals fed a diet that includes bioengineered feed like corn, alfalfa and soy are *not* subject to labeling unless these foods contain other BE ingredients.

Because of other existing laws, companies are *prohibited* from disclosing GMOs in any multi-ingredient product that has beef, pork, poultry, catfish or eggs as a top ingredient, even if the product contains other GMO ingredients. This means that if the same GMO corn used in the cereal example above is also an ingredient in beef soup, the cereal manufacturer must disclose the GMO corn, but the beef soup manufacturer *cannot* disclose the GMO corn to you. Because this exemption is complex, you might want to [read up on it](#) to learn more.

([www.livingnongmo.org](http://www.livingnongmo.org), *Can You Tell Which GMOs Will Be Labeled under the NBFDS?*)

### **How will products be labeled?**

USDA offers food companies several different ways to legally label bioengineered foods, to be determined at the company’s discretion.

1. Written disclosure - A written disclosure on the ingredient panel that says *bioengineered food*, or *contains a bioengineered food ingredient*.
2. Symbol - A symbol on the package designed by USDA that reads **BIOENGINEERED**.
3. Electronic or digital disclosure - Companies can choose to include a QR code on the package that will lead to a written bioengineered food disclosure when a customer scans it. A serious drawback of this method is that it is unfair to shoppers who do not have a smartphone and/or reliable internet access. In certain circumstances, companies can use text messages, phone numbers or websites to provide a bioengineered disclosure.



### **Can foods that aren’t bioengineered continue to be voluntarily labeled as *Non-GMO*?**

Products that *do not* contain genetically modified material (such as those verified by the Non-GMO Project) can continue to use the term *Non-GMO* in labeling.

### **If a customer wants to avoid bioengineered foods, what should they do?**

Non-GMO Project verified products are a good choice for shoppers who wish to avoid only bioengineered foods. Customers who are looking for more transparency with regard to bioengineered foods plus a range of other production techniques, can seek out USDA Certified



Organic foods, which by law cannot be produced from bioengineered plants or animals. See [Certified Organic: Non-GMO and so Much More](#) on the Co+op, stronger together website.

**What can co-ops do to encourage consumer friendly implementation of the Standard?**

Working together, food co-ops across the country have advocated for GMO labeling since 2011, and we are disappointed that the final regulations do not provide for full GMO transparency.

The national co-op that negotiates Co+op Deals and Co+op Basics for us, National Co+op Grocers, circulated a [letter](#) to manufacturers that participate in our promotional programs in March of 2019. The letter conveyed our desire to see companies label all of their conventional products using the on-package written disclosure method (the most transparent option) and label their products to the full extent of the law, including refined oils and sweeteners. [Company responses](#) are posted on NCG's website so that co-op staff may share them on request with customers who have questions about specific products. (Note that we have not asked for responses regarding organic products because organic regulations already prohibit use of bioengineering.) NCG will continue to work within our supply chain to encourage transparent and straightforward labeling.

**What can shoppers do to encourage consumer friendly implementation of the Standard?**

Shoppers can contact companies directly and ask them to provide full transparency for the ingredients in their products.

**For further information:**

Check out USDA's [answers to frequently asked questions](#) about bioengineered labeling requirements (<https://www.ams.usda.gov/rules-regulations/be/faq/general>)

To assist your community in understanding the new labels and what they mean, consider sharing our article from StrongerTogether.coop: [A Label of Contents: GMO Labels Explained](#), an article on StrongerTogether.coop.